

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Ernest Battle, #165247,

Petitioner,

vs.

Edsel T. Taylor, Warden of MacDougall Corr.
Inst.,

Respondent.

C/A No. 1:15-2704-JFA-SVH

ORDER

Ernest Battle (“Battle”), proceeding pro se and in forma pauperis, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The instant petition is the second habeas action filed by Battle in this court challenging the same conviction. *See Battle v. Bodison*, C/A No.: 1:09-2038-JFA.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein she recommends that this Court dismiss the petition without prejudice. The Report and Recommendation sets forth the relevant facts and standards of law in this matter, and the Court incorporates such without a recitation.

The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on August 5, 2014. However, no objections were filed. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this Court finds the Magistrate Judge’s recommendation fairly and accurately

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference in its entirety.

Accordingly, Battle's petition for a writ of habeas corpus is **DISMISSED** without prejudice.

IT IS SO ORDERED.

September 18, 2015
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge